

BLAND, C., 16th May, 1828.—The petition of the plaintiffs, this day filed, having been submitted, has been read and considered.

The time limited for taking and returning testimony in relation to the accounts directed to be stated by the interlocutory decree of the 14th of April last, was, as is usual in cases where there is nothing in the proceedings from which what may be deemed a reasonable time for that purpose can be inferred, and the parties have not been heard upon that subject, fixed at a very short period. And therefore I did not consider it proper on the 12th instant to exact from the party, on that, his first application for an extension of the time, such strict proof of the necessity of having it enlarged, as I should have done on a second application of the same nature, or as would be required to obtain the continuance of a case standing regularly for hearing; therefore it is ordered, that the aforesaid petition be and the same is hereby dismissed with costs.

On the 20th of June, 1828, these plaintiffs filed another bill against these same defendants, in which the ownership, voyage, * and sale of the schooner *Beauty*, is set forth as in the first bill; and after stating as before, that the proceeds of sale **413** were remitted by the Cyane, the plaintiffs aver by this bill, that the specie was received from the Cyane by the defendant Anderson, as the agent of the defendant Law; and that Anderson had carried it to Philadelphia, and covertly transmitted the whole or the greater part of it thence to Baltimore, where he had fraudulently deposited it in the Franklin Bank in his own name. The particulars of which alleged fraudulent transactions are fully described in the bill, in which it is alleged, that they were not known to the plaintiffs when they filed their first bill. And it is further alleged, that the defendant Law is insolvent and unable to pay his debts; and that the defendant Harrison had been actually discharged under the insolvent law. Whereupon the plaintiffs prayed that upon the dismissal of their appeal from the order of the 15th October last; and of their bill filed on the 23d of June, 1827, an injunction might be granted upon this bill to prevent the proceeds from being removed from the bank in which they had been deposited by the defendant Anderson; and for general relief, &c.

BLAND, C., 20th June, 1828.—I would have it distinctly understood, that I disclaim the power to pass any order relative to a subject-matter appealed from, pending an appeal by virtue of which the power of this Court, in relation to such subject, may or can be decided by the Court of Appeals, to have been suspended. But I am of opinion, not however, without some doubt, that I may be allowed, pending an appeal from an interlocutory order dissolving an injunction, made on the bill and answer alone, to grant another injunction upon a bill in nature of an amended bill